STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)				
JONATHAN WILSON,))				
Complainant, and TRIPPE MANUFACTURING COMPANY d/b/a TRIPP LITE , Respondent.))))))	CHARGE NO(S): EEOC NO(S): ALS NO(S):	2006CF0484 N/A 06-308		
<u>NOTICE</u>					
You are hereby notified that the Illinois	Human Right	s Commission has no	ot received		
timely exceptions to the Recommended Order	and Decision	n in the above named	case.		
Accordingly, pursuant to Section 8A-103(A) an	id/or 8b-103(A) of the Illinois Huma	an Rights Act		
and Section 5300.910 of the Commission's Pro	ocedural Rule	es, that Recommende	d Order and		
Decision has now become the Order and Deci	sion of the Co	ommission.			
STATE OF ILLINOIS HUMAN RIGHTS COMMISSION)) Enter	red this 23 rd day of Aເ	igust 2010		
		N. KEITH CHAMBE	–		

STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)		
JONATHAN WILSON,)		
Complainant,)		
and)	Charge No.: EEOC No.:	2006CF0484 N/A
TRIPPE MANUFACTURING COMPANY)	ALS No.:	06-308
d/b/a TRIPP LITE,) }	Judge William J. Borah	
Respondent.	í		

RECOMMENDED ORDER AND DECISION

On September 25, 2006, Complainant, Jonathan Wilson, filed a Complaint, *Pro Se,* against Respondent, Trippe Manufacturing Company d/b/a Tripp Lite. The Complaint alleged that Respondent discriminated against Complainant during his employment and separation on the bases of race and religion.

This matter now comes to be heard on Respondent's Motion to Dismiss for Want of Prosecution. Although he was served with a copy of the motion, Complainant has not responded to it, and the time for such a response has passed. The matter is ready for decision.

The Illinois Department of Human Rights is an additional statutory agency that has issued state actions in this matter. They are therefore named herein as an additional party of record.

FINDINGS OF FACT

The following facts were derived from the record file in this matter.

 The Complaint in this matter was served upon Complainant by certified mail through the United States Postal Service. Complainant signed the certified mail receipt on October 8, 2006.

- 2. The initial status date in this matter was November 16, 2006; neither party appeared. The initial status hearing was rescheduled for January 11, 2007. The Order was served upon the parties by the Commission through the U.S. Postal Service.
- On January 11, 2007, the parties appeared, Respondent through its counsel. An
 Order was entered, in part, for Complainant to retain an attorney by the February 27,
 2007, status hearing date or appear personally at the hearing.
- On February 27, 2007, the parties appeared, Respondent through its attorney.
 Again, Complainant was ordered to retain an attorney by the following status hearing date of April 12, 2007, or personally appear at the hearing.
- On April 12, 2007, the Respondent, through its attorney, appeared; Complainant was absent. A discovery schedule was set. Complainant was served the Commission's Order by U.S. Postal Service.
- Respondent served Complainant with its discovery requests by U.S. Postal Service; responses were due on or around May 10, 2007. Complainant failed to serve Respondent with any discovery requests. A status hearing date was set for June 14, 2007.
- 7. On June 14, 2007, Respondent appeared through its attorney; Complainant was absent. Respondent was permitted to file its Motion to Dismiss for Want of Prosecution prior to June 29, 2007. A briefing schedule was set. Complainant was served the Order by U.S. Postal Service.
- On June 29, 2007, Respondent filed its Motion to Dismiss Complaint for Want of Prosecution. Complainant was served by U.S. Postal Service. Complainant failed to file a response.
- On August 17, 2007, Respondent filed its Reply. Complainant was served by U.S.
 Postal Service.

CONCLUSIONS OF LAW

1. Complainant's repeated and unexplained failure to appear at scheduled status

hearing dates, respond to Respondent's discovery requests or to respond to

Respondent's Motion, has unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of his claim, the Complaint in this

matter should be dismissed with prejudice.

DISCUSSION

This case has been scheduled for five status hearings. Although Complainant was given

notice of all five hearings, he appeared for only two. When he did appear, he asked for and

received time to hire an attorney. He never appeared after February 27, 2007, and no attorney

filed an appearance on his behalf. He ignored Respondent's discovery requests and failed to

respond to Respondent Motion to Dismiss. It is clear that his inaction has unreasonably

delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned his claim. As

a result, it is appropriated to dismiss his claim with prejudice. See, e.g., Leonard and Solid

Matter, Inc., IHRC, ALS. No. 4942, August 25, 2002.

RECOMMENDATION

Based upon the foregoing, it appears that Complainant has abandoned his claim.

Accordingly, it is recommended that the Complaint in this matter be dismissed in its entirely,

with prejudice.

HUMAN RIGHTS COMMISSION

BY:_____

WILLIAM J. BORAH ADMINISTRATIVE LAW JUDGE ADMINISTRATIVE LAW SECTION

ENTERED: December 8, 2009